

Notice of Allowability

Application No.

10/693,007

Applicant(s)

PHILLIPS ET AL.

Examiner

Art Unit

George Manuel

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment, filed 9/6/07.
2. ☒ The allowed claim(s) is/are 23-35 and 37-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

Claims 23-71 are allowed.

The following is an examiner's statement of reasons for allowance:

A programmer for a medical device having circuit boards stacked in a z-axis configuration and having a second housing member having an aperture to expose a loading port as claimed is not taught nor suggested by the prior art of record.

Related application 10/693,006, now U.S. Patent 7,272,445 claims a second housing member that defines an aperture for access to a loading port; however, the claims do not recite nor would it be obvious based on the claims to stack in a z-axis configuration a first housing member, first circuit board, second circuit board, second housing member, and a plate member. Similarly, related application 10/693,835, now U.S. Patent 7,203,549 does not claim, and it would not be obvious based on the claims to stack in a z-axis configuration a first housing member, first circuit board, second circuit board, second housing member, and a plate member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.

/George Manuel/
Primary Examiner
Art Unit: 3762

DETAILED ACTION

Allowable Subject Matter

Claims 23-35 and 37-71 are allowed.

The following is an examiner's statement of reasons for allowance:

A programmer for a medical device having circuit boards stacked in a z-axis configuration and having a second housing member having an aperture to expose a loading port as claimed is not taught nor suggested by the prior art of record.

Related application 10/693,006, now U.S. Patent 7,272,445 claims a second housing member that defines an aperture for access to a loading port; however, the claims do not recite nor would it be obvious based on the claims to stack in a z-axis configuration a first housing member, first circuit board, second circuit board, second housing member, and a plate member. Similarly, related application 10/693,835, now U.S. Patent 7,203,549 does not claim, and it would not be obvious based on the claims to stack in a z-axis configuration a first housing member, first circuit board, second circuit board, second housing member, and a plate member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.

/George Manuel/
Primary Examiner
Art Unit: 3762

Application/Control Number: 10/693,007

Page 3

Art Unit: 3762

(with month and year).	
Non-Patent Literature (NPL) entries include a date (with at least the year).	Ok
US Patent entries include patent number, first-named inventor, and date (with month and year).	Ok
Title (Design applications only) ?	Status
Title of the application matches the Title in the Claims.	Ok

Text description for this application:

The primary box is not sign